

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14595 of 2015

Arising Out of PS.Case No. -108 Year- 2014 Thana -DAUDPUR District- SARAN

1. Dhiraj Yadav Son of Bhabhikhan Ray
2. Usha Devi Wife of Dhiraj yadav Both are residents of Village- Amaw,
Police station- Baniapur, District- Saran(Chapra)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar 1 (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 03-07-2015 Heard learned counsels for the petitioners,
informant and the State.

The petitioners are languishing in custody since
02.02.2015 in a case registered for the offences punishable under
section 302 of the Indian Penal Code.

On recovery of dead body of son of the informant
from Thakurbari, the FIR was lodged against unknown. From the
pocket of the victim, the train tickets dated 04.08.2014 from Mau
to Siwan and from Bhatni to Ekma and mobiles were recovered.
From analyzing the mobile calls record, it was found that from
the mobile of Punam Devi four calls were made to the seized
mobile of the victim after he reached Ekma. On query, Punam
Devi suggested that her aunt Usha Devi petitioner no.2 talk four
times to the victim from her mobile. It also transpires during

investigation, that the victim had illicit relationship with the petitioner no.2 Usha Devi, wife of petitioner no.1 Dhiraj Yadav, as a result Dhiraj Yadav eliminated the victim.

It is submitted by learned counsel for the petitioners that the dead body of the victim was recovered from Thakurbari situated in the village Bareja under Daudpur P.S. whereas the informant is resident of village Ghorhat under the Manjhi P.S. and the petitioners are resident of village Amaw under Baniapur P.S. and only on suspicion the accusation has been levelled.

The learned APP for the State, after going through the case diary submits that except the circumstantial evidence no direct evidence has been found during the investigation. A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the aforesaid fact, let the above named petitioners be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Chapra, Saran in connection with Daudpur P.S. Case No.108 of 2014.

(Dinesh Kumar Singh, J)

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